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14 IN THE UNITED STATES DISTRICT COURT  
15  
16 EASTERN DISTRICT OF CALIFORNIA  
17

18 UNITED STATES OF AMERICA

19  
20 No. 1:21-cr-00206-DAD-BAM  
21

22 Plaintiff,

23 v.  
24

25 MARC DAVIS,  
26 Defendants.  
27  
28

29 **STIPULATION TO CONTINUE BRIEFING  
30 SCHEDULE AND HEARING DATE; AND  
31 ORDER**

32 Date: June 10, 2022  
33 Time: 1:00 p.m.  
34 Court: Hon. Barbara A. McAuliffe  
35  
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37 IT IS HEREBY STIPULATED, by and between the parties through their respective counsel,  
38 Assistant Federal Defender, Jaya C. Gupta, counsel for defendant Marc Davis, and Assistant United  
39 States Attorney Kimberly A. Sanchez, counsel for the government, that the briefing schedule set in this  
40 case be continued as set forth below.

41 The government has asked to continue the briefing schedule for pretrial motions, and upon the  
42 parties' last stipulation, the Court set the following briefing schedule (ECF No. 37):

43

- 44 • Defense motions due on or before May 16, 2022;
- 45 • Government opposition due on or before June 13, 2022;
- 46 • Any defense reply due on or before June 27, 2022;
- 47 • Hearing on any motions July 11, 2022 at 10:00 a.m. before the Honorable Dale A. Drozd,  
48 U.S. District Court Judge

1 Defense counsel filed a Motion to Suppress and Motion to Dismiss on May 16, 2022. The government  
2 needs additional time to file a response. This is the first continuance the government requests. To afford  
3 time to complete the opposition, the parties ask that the current dates be re-set as follows below:

4

- Government opposition to be filed on or before July 8, 2022;
- Any defense reply to be filed on or before July 22, 2022;
- Motion hearing to be set on August 1, 2022, at 1:00 p.m. before the Honorable Dale A.

7 Drozd, United States District Judge

8 Time was previously excluded until the hearing on the motions on July 11, 2022. ECF No. 37.

9 The parties agree that the time period until disposition of the motions, shall be excluded under 18 U.S.C.  
10 § 3161(h)(1)(D) because the delay results from the filing of pretrial motions, through the conclusion of  
11 any hearing on the motion, and the prompt disposition of the motion. *See* 18 U.S.C. § 3161(h)(1)(D).

13 Dated: June 10, 2022

PHILLIP A. TALBERT  
United States Attorney

15 /s/ Kimberly A. Sanchez  
16 KIMBERLY A. SANCHEZ  
17 Assistant United States Attorney

17 Dated: June 10, 2022

18 HEATHER E. WILLIAMS  
Federal Defender

19 /s/ Jaya C. Gupta  
20 JAYA C. GUPTA  
21 Attorneys for Defendant  
22 MARC DAVIS

## **ORDER**

**IT IS ORDERED THAT** the briefing schedule on the defense motions is hereby re-set in accordance with the above. The government oppositions are to be filed on or before July 8, 2022. Any defense replies are to be filed on or before July 22, 2022. Hearing on the motions is hereby set for **August 1, 2022, at 10:00 a.m. before the Honorable Dale A. Drozd**, United States District Judge.

Time shall be excluded until the hearing on the motions, under 18 U.S.C. § 3161(h)(1)(D) because the delay results from the filing of pretrial motions.

IT IS SO ORDERED.

Dated: **June 13, 2022**

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE